

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Avista Corporation)		
)		
Bonneville Power Administration)		
)		
Idaho Power Company)		
)		
Montana Power Company)		
)		
Nevada Power Company)	Docket No. RT01	-35-005
)		
Pacific Corp)		
)		
Portland General Electric Company)		
)		
Puget Sound Energy, Inc.)		
)		
Sierra Pacific Power Company)		

MOTION TO INTERVENE AND COMMENTS OF THE TRANSLINK PARTICIPANTS

I. Introduction

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2001), and the Commission's April 9, 2002 Notice of Filing and April 17, 2002 Notice of Extension of Time, the TRANSLink Participants¹ hereby move for leave to intervene and submit the following comments in the above-captioned proceeding.

¹ The TRANSLink Participants are: Alliant Energy Corporate Services, Inc. on behalf of its operating company affiliate Interstate Power and Light Company (f/k/a IES Utilities Inc. and Interstate Power Company); Corn Belt Power Cooperative; Mid American Energy Company; Nebraska Public Power District; Omaha Public Power District; and Xcel Energy Services Inc. on behalf of its operating company affiliates Northern States Power Company, Northern States Power Company – Wisconsin, Public Service Company of Colorado ("PSCo"), and Southwestern Public Service Company. On April 25, 2002, the Commission conditionally approved the formation of the TRANSLink Transmission Company, LLC ("TRANSLink") to operate as an independent transmission

This proceeding concerns the Stage 2 Filing and Request for Declaratory Order Pursuant to Order 2000 filing made by the RTOWest Participants² on March 29, 2002. As discussed below, an issue with regard to the formation of RTOWest continues to be the division of functions between RTOWest and the proposed TransConnect independent transmission company (“ITC”). Because the TRANSLink Participants intend that TRANSLink, the ITC they are forming, will participate in a western regional transmission organization (“RTO”), the TRANSLink participants respectfully request that the Commission confirm that its approval of a more limited role for TransConnect in RTOWest than the Commission recently approved¹ for TRANSLink and Alliance Gridcoin in the Midwest ISO would not preclude an ITC’s assuming additional functions in RTOWest or another RTO in the Western Interconnection.

II. Communications

All correspondence, communications, pleadings, and other documents regarding this proceedings should be directed to the following persons:

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company under the terms of Appendix I of the Midwest ISO OATT. 99 FERC ¶ 61,106 (2002) (“TRANSLink Order”).

² RTOWest Participants are Avista Corporation, Bonneville Power Administration, Idaho Power Company, North Western Energy, LLC, Nevada Power company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc., and Sierra Pacific Power Company and British Columbia Hydro and Power Authority.

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III. Interest of the TRANSLink Participants and Motion to Intervene

TRANSLink has been conditionally approved by the Commission to operate as an ITC through which parties committing transmission assets will participate in the Midwest ISORTO under Appendix I to the Midwest ISO agreement. TRANSLink will also operate in conjunction with an RTO located in the Western Interconnection with respect to the facilities of TRANSLink

Participants located there, initially PSCo. ³TRANSLink is structured to provide an effective and efficient means of carrying out critical RTO functions on a non-independent, for-profit basis, and to promote efficient operation and –where necessary and in conjunction with and under the umbrella of its host RTO– the expansion of transmission facilities.

On March 29, 2002, the RTOWest Participants filed a Stage 2 Filing and Request for Declaratory Order Pursuant to Order 2000 (“March 29 filing”). The March 29 filing follows parallel efforts by some of the RTOWest Participants to form an ITC in the Western Interconnection, TransConnect. In the instant proceeding, the sharing of RTO responsibilities between RTOWest and TransConnect continues to be an issue for resolution by the Commission. Because TRANSLink intends to participate in an RTO in the Western Interconnection, the Commission’s ruling on the appropriate division of RTO responsibilities between RTOWest and the proposed TransConnect ITC will directly affect the TRANSLink Participants. As an approved ITC with facilities in non-contiguous regions, the TRANSLink Participants are uniquely situated and their interests cannot be adequately represented by any other party. For these reasons, the TRANSLink Participants respectfully request intervention in the captioned proceeding.

IV. Comments

On April 25, 2002, the Commission conditionally approved the formation of TRANSLink to, *inter alia*, operate as an ITC under the terms of Appendix I of the Midwest ISO agreement. As part of that order, the Commission authorized a division of RTO responsibilities between TRANSLink and the Midwest ISO. In a separate order issued that same day, the

³ PSCo is a utility operating company subsidiary of Xcel Energy, Inc. The TRANSLink order authorized PSCo to transfer functional control of its transmission system to TRANSLink under Section 203 of the Federal Power Act. See 99 FERC at 61,476.

Commission authorized the same division of RTO responsibilities between Alliance Grid Co and the Midwest ISO.⁴ The Commission utilized the above order to outline its generic thinking regarding sharing of functions between RTOs and ITCs, noting that as the orders “come at a time when the sharing of RTO functions between the RTO and [ITCs] is being studied by the Commission...” the *TRANSLink* order “describes the Commission’s current policy on several issues related to the sharing of RTO responsibilities” 99 FERC at 61,454. The Commission underlined the general applicability of the sharing of functions described in the orders stating that the allocation of functions is to apply to Alliance “regardless of whether they join PJM, Midwest ISO, or another RTO.” 99 FERC at 61,430.

As noted above, because one of the *TRANSLink* Participants owns assets in the Western Interconnection, *TRANSLink* will seek to participate as an ITC in conjunction with an RTO in that region. The *TRANSLink* Participant expects to propose that *TRANSLink* assume responsibility for the same functions in a Western RTO that the Commission has authorized it to assume in the Midwest ISO. The *TRANSLink* Participants recognize that the RTOWest Participants contemplate a more limited role for the TransConnect ITC in RTOWest. While the RTOWest Participants are apparently satisfied with the limited range of functions that TransConnect would carry out, the *TRANSLink* Participants are concerned that the role envisaged for TransConnect would be too limited for *TRANSLink* to function as a viable, standalone transmission business in the Western Interconnection. Regardless of the Commission’s ruling on the RTOWest Participants’ proposal, the Commission should make it clear that the allocation of RTO responsibilities reflected in the proposed TransConnect/RTOWest relationship will not function as a ceiling for other ITCs seeking to participate in RTOWest or in other RTOs in the Western Interconnection. The *TRANSLink* Participants therefore request that,

⁴ *Alliance Companies, et al.*, 99 FERC ¶61,105 (2002).

as a part of any forthcoming order addressing the TransConnect/RTOWest relationship, the Commission confirm that other ITCs may propose to participate in RTOWest on a basis that permits them to assume responsibilities for those functions that the Commission has determined in the *TRANSLink* and *Alliance GridCo* orders may be appropriately undertaken by a properly structured ITC that satisfies the Commission's independence requirement and other requirements.

V. Conclusion

WHEREFORE, for the reasons set out above, the TRANSLink Participants respectfully request leave to intervene as a party in this proceeding, and request that as part of any order addressing the sharing of RTO functions, that the Commission confirm that an ITC participant in RTOWest will not be limited to the functions proposed to be assumed by TransConnect, but may undertake the additional responsibilities approved in connection with TRANSLink and the MISO.

Respectfully submitted,

_____/s/_____
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Counsel for TRANSLink Participants

Dated: May 28, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all parties on the official service list compiled by the Secretary in the above -captioned proceedings, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, DC this 28th day of May, 2002.

_____/s/_____
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